

The Honorable Tana Lin

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RANDY SHIELDS,

Plaintiff,

v.

FRED MEYER STORES INC.,

Defendant.

No. 2:23-cv-01455-TL

STIPULATED MOTION AND
~~PROPOSED~~ ORDER
AMENDING BRIEFING
SCHEDULE FOR MOTION TO
DISMISS

Plaintiff Randy Shields and Defendant Fred Meyer Stores Inc. jointly move the Court to enter the following Order amending the briefing schedule for Defendant's motion to dismiss. In support of this Stipulated Motion, the Parties state the following:

1. On November 1, 2023, the Parties previously stipulated (under Judge Lin's Standing Order for All Civil Cases) to extend the briefing schedule (Dkt. 9).
2. On November 3, 2023, the Clerk provided notice of re-setting deadlines per the Parties' stipulation allowing Defendant to Respond to the Complaint by a Rule 12 motion on November 17, 2023 and Plaintiff to have until December 8, 2023 to file a response to Defendant's Motion to Dismiss or file an Amended Complaint.

3. After the Clerk's notice, the Parties continued to discuss methods of avoiding Defendant's Rule 12 motion, including exchanging informal discovery. To enable Defendant's additional factual investigation, Plaintiff consented to allow Defendant until November 22, 2023 to file its Rule 12 motion.

4. In lieu of an opposition to Defendant's Rule 12 motion, Plaintiff filed an Amended Complaint, the response to which is set at December 28, 2023, per the Federal Rules of Civil Procedure.

5. Because December 28 falls within the holidays, the Parties have conferred about a new briefing schedule that allows Defendant to review and respond to the Amended Complaint. As an accommodation for the extension for filing the motion and the holidays, the Parties stipulate to the following modest amendment of the Rule 12 briefing schedule:

| Event | Due Date |
|--|------------------|
| Defendant's Rule 12 motion or Answer | January 22, 2024 |
| Plaintiff's opposition to Defendant's motion or amended complaint | March 1, 2024 |
| If Plaintiff opposes, Defendant's reply to Rule 12 motion and noting date for motion | March 15, 2024 |

6. For the foregoing reasons, the Parties jointly respectfully request that the Court enter an Order setting forth the above amended briefing schedule for the Rule 12 motion filed concurrently today.

Stipulated this 28th day of December, 2023.

1 BERRY & BECKETT, PLLP

DAVIS WRIGHT TREMAINE LLP

2
3 By s/Guy Beckett, per email authorization

By s/Fred Burnside

Guy Beckett, WSBA No. 14939

Fred Burnside, WSBA No. 32491

4 [Email: gbeckett@beckettllaw.com](mailto:gbeckett@beckettllaw.com)

[Email: fredburnside@dwt.com](mailto:fredburnside@dwt.com)

BERRY & BECKETT, PLLP

Caleah N. Whitten, WSBA No.

5 1708 Bellevue Avenue

60209 [Email:](mailto:caleahwhitten@dwt.com)

6 Seattle, WA 98122

caleahwhitten@dwt.com DAVIS

7 Telephone: (206) 441-5444

WRIGHT TREMAINE LLP 920

Fifth Avenue, Suite 3300

8 Seattle, WA 98104

Telephone: (206) 622-3150

9 *Counsel for Plaintiff and the Proposed Class*

10 *Counsel for Defendant*

~~PROPOSED~~ ORDER

The parties jointly moved the Court for an amended briefing schedule for Defendant's motion to dismiss. The briefing deadlines are hereby reset for the following dates:

| Event | Due Date |
|--|------------------|
| Defendant's Rule 12 motion or Answer | January 22, 2024 |
| Plaintiff's opposition to Defendant's motion or amended complaint | March 1, 2024 |
| If Plaintiff opposes, Defendant's reply to Rule 12 motion and noting date for motion | March 15, 2024 |

IT IS SO ORDERED.

Dated: December 29, 2023



The Honorable Tana Lin
United States District Court Judge

Presented by:

DAVIS WRIGHT TREMAINE LLP

By s/Fred Burnside

Fred Burnside, WSBA No. 32491

Email: fredburnside@dwt.com

Caleah N. Whitten, WSBA No. 60209

Email: caleahwhitten@dwt.com

DAVIS WRIGHT TREMAINE LLP

920 Fifth Avenue, Suite 3300

Seattle, WA 98104

Telephone: (206) 622-3150

Counsel for Defendant